NEW BOOKS.

An Eminent Colonial Lawmaker.

We are indebted to John M. Taylor for a book that may fairly be termed a monograph, seeing that it seems to exhaust all the knowledge attainable concerning its subject. We refer to a volume entitled "Roger Ludlow, the Colonial Lawmaker" (Putnams). This is a biography of one of the most distinguished and useful men in the list of worthies that took part in the founding of the New England colonies. His name is by no means unfamiliar, yet this book needed to be written because the value of his service has not always been appreciated in colonial histories, while the interesting record of his life after his return from New England to the mother country has, for the most part, been overlooked.

Roger Ludlow was the second son of Sir Thomas Ludlow of Maiden Bradley, Wiltshire, and Jane Pyle, sister of Sir Gabriel Pyle, and was born in March, 1590. His father was uncle of Sir Henry Ludlow, who sat in the Long Parliament, and great-uncle of Sir Edmund Ludlow, who became Lieutenant-General in the service of the Commonwealth, who was a member of the court that tried King Charles I., and who, after the Restoration, was outlawed, and died in Switzerland. Roger Ludlow himself was matriculated at Balliol College, Oxford, in 1610, and became a student in the Inner Temple in 1612. Subsequently, he married Mary Endicott, a sister of Gov. John Endicott of Massachusetts, and he was related on the mother's side to the family of Chief Justice Popham, long noted as the founder of the first colonies in Maine. In 1630 Roger Ludlow crossed the Atlantic, and settled at Dorchester. His services to the colony of Massachusetts Bay covered a period of about five years, and ranged from the duties of a Magistrate in the Court of Assistants—the highest judicial tribunal in Massachusetts during the colonial period, down to 1692—to those of the Deputy Governorship. He had good reason to believe that, at the general election held in May, 1635, he would be advanced to the Governorship, but he was defeated by Haynes, a rich landowner from Essex, who had come over two years before, and who had gained favor by advocating the lessening of taxes and other popular measures. Ludlow now, with many of his fellow townsmen, determined to remove to the Connecticut Valley, and in 1636, he was appointed by the General Court of Massachusetts the head of the commission named temporarily to govern the settlements formed on the Connecticut River by emigrants from Dorchester, Cambridge (then called Newtown) and Watertown.

Ludlow's services to the Connecticut colony were of the highest order. On the formation of an independent government May, 1637, he was chosen a Magistrate, and again in 1638. At the first general meeting of the Freemen under the Constitution of 1639, he was elected Deputy Governor, being the first to hold that office. In 1639 he founded the town of Fairfield on territory purchased from the Indians, which might otherwise have been appropriated by the Dutch. In his absence in 1640 he was elected a Magistrate, an office to which he was chosen every year until 1654, except in 1642 and 1648, when he again served as Deputy Governor. In 1648, 1651 and 1653, he was one of Connecticut's commissioners to the United Colonies, dealing with the most important affairs of State, notably the claims of Massachusetts to the territory of Springfield and of the Dutch to territories in Connecticut, and with the vital questions involved in the impending war between the Dutch and English. He had previously been one of the representatives of Connecticut in the negotiations which led to the federation of the colonies in 1643, and in framing the articles of that compact he had stood for the sovereignty of the people—a reservation which saved its principle when the compact was broken up by the nullification of Massachusetts.

We have thus far omitted to mention the achievements that constitute Ludlow's best title to remembrance. There seems to be no doubt that he, and not Thomas Hooker, was the author of the Fundamental Orders framed in 1638, the first organic law of the Connecticut colony, sometimes loosely described as "Hooker's Constitution." This enactment, as Palfrey has pointed out, continued in force with very little alteration a hundred and eighty years. John Fiske has directed attention to the fact that it was the first written constitution known to history that created a government; and J. R. Green in his "Short History of the English People" recognizes that "the eleven Fundamental Orders, with their preamble, present the first example in history of a written constitution." Bryce also in his "American Commonwealth" records that "the oldest truly political constitution in America is the instrument called the Fundamental Orders of Connecticut, framed by the inhabitants of Windsor, Hartford and Wethersfield in 1638." Only second in importance to the Constitution framed by him was the body of laws which in 1646 Ludlow, at the request of the Connecticut General Court, compiled for the colony. Of this code, which is the foundation of the written laws of Connecticut, De Tocqueville has said, in his "Democracy in America," that "though written two hundred years ago, it is still ahead of the liberties of our age." No legal expert has ever examined this body of laws without arriving at the conclusion that Roger Ludlow was one of the greatest lawyers, as well as one of the most advanced and liberal lawmakers that have lived in New England.

In 1654 Ludlow took leave of Connecticut and returned definitely to his mother country. The causes of his removal are not all known, and never may be, but they seem to have culminated in the refusal, both of the Connecticut and the New Haven colonies, to come to his support in the presence of Dutch and Indian hostilities, which threatened the destruction of Fairfield, and the criticism which followed his election by his fellow townsmen to the command of the local militia. Mr. Taylor has found an additional motive for the removal in the evidence that Ludlow returned at the instance of the Lord Protector, Oliver Cromwell. It is certain that, no sooner did Ludlow reach England than he went to Ireland with his kinsman, Sir Edmund Ludlow, the Lieutenant-General, and was straightway appointed by the Cromwellian Government a member of an important Irish commission, a post which he retained for four years, when he was named a member of a new commission and made a Master in Chancery in Ireland. The date of his death is unknown, but, as he was certainly living in 1664, there is reason to believe that he died in Dublin between that year and 1668.

It is surprising, as Mr. Taylor says, that Connecticut should have long failed to commemorate its imperishable indebtment to this remarkable man. Our author suggests in the book before us that somewhere in the State Capitol ought to be inscribed the words which he reproduces from Brinley's "Reprint Laws of Connecticut, 1673": "To the memory of Roger Ludlow, who gave to Connecticut a Body of Laws, and the First Written Constitution which under God acknowledged no power superior to the Supreme Power of the Commonwealth."

M. W. H.

Hopkinson Smith's Story of an Artist.

Mr. F. Hopkinson Smith's story, "The Fortunes of Oliver Horn" (Charles Scribner's Sons), is the story of a painter. Young Oliver was born a Southern aristocrat, and the tale opens in his father's house in "Kennedy Square"—no further specification—in the late fifties. Life in the Horn mansion must have been rather pleasant, and it certainly was extremely conscientious and regular. The bows and the courtesies were never forgotten, and the egg-nog nights, the choice old Madeira nights and the apple-toddy nights could be counted upon as we count upon the sun and the moon and the constellations. In Kennedy Square in the late fifties art was not favorably looked upon; the law was held to be much superior. The square had many names distinguished in the law, but it had produced no artist. If this circumstance did not argue against art and for the law, it is hard to see what it did argue for.

The squire recognized the respectability and dignity of "business," provided it was not retail, and Oliver was not held to have demeaned himself when he went away to New York and obtained a situation as shipping clerk. The story of this part of Oliver's career gives us some interesting glimpses of the city as it was before the war. "Within a day's journey of Kennedy Square lay another wide breathing space, its winding paths worn smooth by countless hurrying feet. Over its flat monotony straggled a line of gnarled willows, marking the wandering of some guileless brook long since swallowed up and lost in the mazes of the great city like many another young life fresh from green fields and sunny hillsides. This desert of weeds and sun-dried yellow grass, this kraal for scraggly trees and broken benches, breasted the rush of the great city as a stone breasts a stream, dividing its current—one part swirling around and up Broadway to the hills and the other flowing eastward toward Harlem and the Sound. Around its four sides, fronting the four streets that hemmed it in, ran a massive iron railing, socketed in stone and made man-proof and dog-proof by four great iron gates. These gates were opened at dawn to let the restless in and closed at 10 at night to keep the weary out."

Union Square, of course, though we think that the paths were straight and not winding. Oliver lived in Miss Teetum's boarding house facing the square—a place very jolly and at times even riotous in the top story, which was given up to a choice company of art students and others who called themselves the Skylarks. It was through the kind offices of the Skylarks that Oliver obtained his introduction to the School of the National Academy of Design, then in its beginning. The high-sounding title of this institution, Mr. Smith tells us, "not only truthfully expressed the objects and purposes of its founders, but was wofully exact in the sense of its being national, for outside the bare walls of these rooms there was hardly a student's easel to be found the country over."

The school at that time occupied forlorn and desolate rooms up two flights of stairs in a dingy, rickety loft off Broadway within a short walk of Union Square. There were an auction room on the ground floor and a barroom in the rear. The largest of the rooms was used for the annual exhibition of the academicians and their associates, and the smaller ones were given over to the students, one, the better lighted apartment, being filled with the usual collection of casts—the Milo, the Fighting Gladiator, Apollo Belvidere, Venus de Medici, and so forth—the other being devoted to the uses of the life class and its models. Not the nude. Whatever may have been done in the studios, in the class room it was always the draped model that posed—the old woman who washed for a living on the top floor, or one of her chubby children or buxom daughters, or perhaps the pedler who strayed in to sell his wares and left his head behind him on ten different canvases and in as many different positions.

A rude place, rudely furnished, with only one instructor, a gentle-voiced, earnest, whole-souled old man, who "had devoted his whole life to the sowing of figs and the reaping of thistles and in his old age was just beginning to see the shoots of a new art forcing their way through the quickening clay of American civilization. Once in a while, as assistants in this almost hopeless task, there would stray into his class room some of the painters who, unconsciously, were founding a national art, and in honor of whom a grateful nation will one day search the world for marble white enough on which to perpetuate their memories—men as distinct in their aims, methods and results as was that other group of unknown and despised immortals starving together at that very time in a French village across the sea, and men, too, equally deserving of the esteem and gratitude of their countrymen."

There is much that is interesting and clear concerning art in the story of our young painter's career. Oliver went into the New Hampshire mountains and painted all summer with Margaret Grant, one of the class, who was as beautiful as the Milo, and who rose to fame with Oliver, and who is the heroine—a good, reasonable heroine who triumphed in art but, when it came to the matter of being wedded, wedded the hero. Very feeling and charming is the account of Oliver's summer with Margaret; and the reader will be interested in the rest of the story—the breaking out of the war; the mobbing of a Massachusetts regiment in the town containing Kennedy Square; the troubles and triumphs of Oliver's father, who was a visionary and an inventor as well as a fine gentleman; Oliver's own great triumph in the rapid painting by night, in an atmosphere of beer and tobacco, of the beautiful Polish Countess, who most unscrupulously showed her stockings.

Regarding what happened at one point when Oliver and Margaret were alone together in New Hampshire, Mr. Smith says that he does not know and that if he did know he would not tell. With something of inconsistency he adds: "We go through life and we have sensations. We hunger and are fed. We are thirsty and reach an oasis. We are homeless and find shelter. We are ill, and again walk the streets. We dig and delve and strain every nerve and tissue and the triumph comes at last, and with it often riches and honor. All these things send shivers of delight through us, and for the moment we spread our wings and soar heavenward. But when we take in our arms the girl we love, and hold close her fresh, sweet face, with its trusting eyes, and feel her warm breath on our cheeks and the yielding figure next our heart, knowing all the time how mean and good for nothing and how entirely unworthy of even tying her shoestrings we are, we experience a something compared with which all our former flights heavenward are but the fluttering of bats in a cave."

In the course of a delightful interview on page 308 we notice that Oliver tells Margaret that he "laid" awake half the night. This was a slip of language which was bound to pain both him and her if they noticed it. Again, after the riot, in which Oliver aided the Northern soldiers, our hero was obliged to fly from Kennedy Square, and Mr. Smith says: "Within the hour Oliver had turned his back on his home and all that he loved." Here we see how an alluring form of language may mislead us. He had not really turned his back on all he loved. Margaret was in New Hampshire, and as he journeyed north, of course, his back was not turned upon her.

But the story is hearty and refreshing and all right. We are sure that the reader will be charmed with it.

September Novels.

Mr. Henry Seaton Merriman gives a good and exciting story of intrigue in "The Vultures" (Harpers.) His vultures are the secret diplomatic agents who gather whenever an important political event is expected to happen. What their work all amounts to, save in informing their Governments, it would be hard to say, and the readers will have that difficulty with Mr. Merriman's "vultures," but he won't stop to think, he will follow their adventures. The scene is in Warsaw at the time Czar Alexander II. was killed in St. Petersburg, and there is a dramatic description of that tragedy. There is a fine love story, kept in the background, and an American girl, as seen perhaps in British eyes, who makes more trouble than she or the reader looks for. The book is admirably written for a book of this kind.

We are sorry that the same cannot be said of Mr. Max Pemberton's "The House Under the Sea" (Appletons). The author took the real incident of the California millionaire's daughter who married a Hungarian nobleman, went cruising with him in his yacht in the South Seas and subsequently obtained a divorce; he tried to fill in the incidents of the voyage from his imagination and devised some extremely ingenious machinery. His island, with the fever-mist and the house under the sea and the wreckers is as it should be. Some of his strange characters are picturesque and quaint. But that is as far as he gets; he doesn't know what to do with them; he keeps them fighting and getting into desperate situations and out of them, with no particular object. The reader is irritated at being made to take interest in mysterious people who drop out and are not heard of again, and at keeping his mind on things which turn out to be of no moment after all. The end is so clap-trap that it looks as though the author had himself lost interest in his story and had ended it abruptly to have done with it.

Considerable talent and eloquence are expended by Mr. Reginald Wright Kauffman in "The Things That Are Cæsar's" (Appletons) to defend the thesis that when a criminal has served his legal sentence he has wiped out his offence and should be taken back by the world as though he had never committed it. The hero finds out that whatever sociologists and penologists may say, ordinary people distrust men who have been in jail. His lot would have been just as hard if he had not incurred the wrath of wicked politicians. Mr. Kauffman's youthfulness and enthusiasm make the book readable in spite of some absurdities. He gets a good and dramatic love scene out of an almost impossible love affair, and his handling of the Bishop is good. We wish he had left out the newspaper business. That is being run into the ground as badly as the historical novel. Every month brings its newspaper novel and every month it is the same.

Literary people in London must be insufferably vulgar, if we are to judge from Mr. Cranstoun Metcalfe's "Fame for a Woman" (G. P. Putnam's Sons). The plot is puerile and the book is filled with tittle-tattle about matters of no concern. A good deal of it is about a baby found in the possession of a woman author, who had had no occasion to tell her editor and other persons that she was married, as it was none of their business. There is hardly a clean-minded person in the story to relieve its vulgarity.

We are sorry for Nebraska if it is a tenth as unpleasant a place as is represented in "Out of the West," by Elizabeth Higgins, published by the Harpers. There are squalid spots in it and people without intelligence, no doubt; but that cannot be the whole picture of the State. We see no reason why the book should have been written. As a plea for Populism it is belated; as the story of a young man's advance and temptations in political life it is hackneyed. The hero is a mannikin made to pose in whatever attitude the author chooses; his one characteristic trait seems to be an abnormal susceptibility toward whatever woman he meets. The heroine, on the other hand, seems drawn from life. It is a cruel picture of the woman agitator, with her narrowness, her lack of discretion and her failure to grasp what she is talking about, the more cruel because the author holds her up to admiration. The book is written without art, but there are bits of description here and there that are vivid, and some incidents are dramatic and well told. There are true touches in some of the minor female characters and no trace of humor.

A dozen short stories of stage life are told in "By the Stage Door," by Ada Patterson and Victory Bateman (The Grafton Press). Some are tragic and some humorous. They are told simply and directly, and each contains something of interest that was worth telling. They are remarkably free from staginess and may very well be true stories, as the preface intimates.

Like his ship, Mr. Joseph Conrad has a pretty close shave of it in "Typhoon" (G. P. Putnam's Sons). He takes 200 pages to tell the experience of a steamer in passing through a typhoon in the China seas. He makes us know the captain, the chief mate and the engineer, and stops at unexpected moments to go back and tell their previous history and to make us acquainted with their relatives and friends on shore. It is a method that should discourage many readers from going on, but what story there is is genuinely of the sea, and those who keep on to the end will not regret it. Capt. MacWhirr is worth knowing.

An Indian romance in the style of James Fenimore Cooper, or perhaps it would be fairer to say of the old-time yellow-covered Beadle's Dime Novels, has been written by Dr. James Ball Naylor, called "In the Days of St. Clair" (The Saalfield Publishing Co.). Gen. St. Clair supplies the date of the story, but has otherwise little share in it. There are Indians and villains and bloodshed enough to sate even adolescent appetites; there is a pair of true lovers dragged through all manner of tribulation and there is a comic negro. With so much given who would care for style? One serious fault the book has—it is gotten up and bound like a novel, so that we don't see how it can be slipped under a desk or between the leaves of a school-book.

The Burr fever has taken strong hold of Mr. Charles Felton Pidgin and made him break out into another long romance of the innocent Burr which he calls "The Climax." (C. M. Clark Publishing Company, Boston.) He indulges his fancy by suppressing the duel with Hamilton and rearranging the history of the United States and Burr's subsequent life on the hypothesis of his being a noble patriot and an honorable man. To muse on what might have been is a harmless, if saddening, pastime, but it is confusing when historic names and events are juggled with, even in a romance, and must be more annoying than entertaining to persons of ordinary education. One objectionable feature is common to all these attempts to rehabilitate Aaron Burr

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No Half Rates for Dowie's Followers.

The Western railroads have refused to grant clergymen's special-rate privileges to the followers of Dowie, the founder of the Zion sect in Illinois. Clergymen's permits are usually issued at about half rates, and all classes of missionary and philanthropic workers have sought to be included in this privilege. The Salvation Army people were admitted to the "clergymen" class two or three years ago.